

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN

**OLIVIA ROBERTSON, LENG VANG,**  
**TIMOTHY BATES, ASHLEY COLLINS,**  
And **JUSTIN KANDAH** on behalf of themselves  
And other persons similarly situated, known and  
unknown,

PLAINTIFFS,

CASE NO: 2:19-cv-10266-AC-EAS  
HON. Avern Cohn

v.

**BREAKTHROUGH TOWING, LLC,**  
**MAGICTOWING, LLC,** And **MICHAEL**  
**DICKERSON**, et. al.,

DEFENDANTS

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**DEFENDANTS BREAKTHROUGH TOWING, LLC, MAGICTOWING,  
LLC, And MICHAELDICKERSON, ANSWER TO COMPLAINT AND  
AFFIRMATIVE DEFENSES**

1. Answering Paragraph 1 of the Complaint, Defendants admit the allegations contained therein, in the form and manner alleged.
2. Answering Paragraph 2 of the Complaint, Defendants admit the allegations contained therein, in the form and manner alleged.
3. Answering Paragraph 3 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue. Further, breakthrough towing and magic LLC are two separate and distinct corporations.
4. In answer to paragraph 4 Defendants neither admit nor deny for lack of information upon which to form a belief and leaves Plaintiffs to their proofs.
5. In answer to paragraph 5 Defendants neither admit nor deny for lack of information upon which to form a belief and leaves Plaintiffs to their proofs.
6. In answer to paragraph 6 Defendants neither admit nor deny for lack of information upon which to form a belief and leaves Plaintiffs to their proofs.
7. In answer to paragraph 7 Defendants neither admit nor deny for lack of information upon which to form a belief and leaves Plaintiffs to their proofs.
8. In answer to paragraph 8 Defendants neither admit nor deny for lack of information upon which to form a belief and leaves Plaintiffs to their proofs.

9. Answering Paragraph 9 of the Complaint, Defendants admit the allegations contained therein, in the form and manner alleged. However, Breakthrough Towing is more than a one person in that it has multiple employees.
10. Answering Paragraph 10 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue. As previously stated, breakthrough and magic are separate corporations and magic towing is not the alter ego for breakthrough.
11. Answering Paragraph 11 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue. Additionally, Michael Dickerson owns breakthrough and has no knowledge as to who Michael Jones is.
12. In answer to paragraph 12, Defendants neither admit nor deny for lack of information upon which to form a belief and leave Plaintiffs to their proofs.
13. In answer to paragraph 13, Defendants neither admit nor deny for lack of information upon which to form a belief and leave Plaintiffs to their proofs.
14. In answer to paragraph 14, Defendants neither admit nor deny for lack of information upon which to form a belief and leave Plaintiffs to their proofs.
15. In answer to paragraph 15, Defendants neither admit nor deny for lack of information upon which to form a belief and leave Plaintiffs to their proofs.
16. In answer to paragraph 16, Defendants neither admit nor deny for lack of information upon which to form a belief and leave Plaintiffs to their proofs.

17. Answering Paragraph 28 of the Complaint, Defendants admit the allegations contained therein, in the form and manner alleged.
18. Answering Paragraph 18, of the Complaint, Defendants admit the allegations contained therein, in the form and manner alleged
19. In answer to paragraph 19, Defendants neither admit nor deny for lack of information upon which to form a belief and leave Plaintiffs to their proofs. Furthermore, the city of Detroit police department is not an entity for the purposes of litigation, and Defendant is not aware of any john doe.
20. In answer to paragraph 20, Defendants neither admit nor deny for lack of information upon which to form a belief and leave Plaintiffs to their proofs. Furthermore, the city of Hamtramck department is not an entity for the purposes of litigation, and Defendant is not aware of any john doe.
21. Answering Paragraph 21 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.
22. Answering Paragraph 22 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

### **CLASS ACTION**

23. Defendants herein reincorporate and reallege paragraphs 1 through 22 of this answer with the same force and effect as if same were set forth in full hereunder, and further states:

24. Answering Paragraph 24 A through E, of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

25. Answering Paragraph 25 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

26. Answering Paragraph 26 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

27. Answering Paragraph 27 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

28. Answering Paragraph 28 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

WHEREFORE, Defendants herein pray for a judgment of no cause of action and be awarded costs and attorney fees.

29. Answering Paragraph 29 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

30. Answering Paragraph 30 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

31. Answering Paragraph 31 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

32. Answering Paragraph 32 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

33. Answering Paragraph 33 (a) through (e) of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.
34. Answering Paragraph 34 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue. More specifically, Defendant herein denies engaging in unauthorized tows.
35. Answering Paragraph 35 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.
36. Answering Paragraph 36 A through I of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.
37. Answering Paragraph 37 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.
38. Answering Paragraph 38 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.
39. Answering Paragraph 39 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.
40. In answer to paragraph 40, Defendants acknowledge that vehicles that are legally towed and stored is at a cost to individuals and plaintiffs herein, however as to the remaining allegations the defendant is without sufficient knowledge, hereby leaving plaintiffs to their proofs.
41. Answering Paragraph 41 of the Complaint, Defendants admit the allegations contained therein, in the form and manner alleged.

42. Answering Paragraph 42 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

43. Answering Paragraph 43 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

44. Answering Paragraph 44 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

45. Answering Paragraph 45 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

46. Answering Paragraph 46 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

47. Answering Paragraph 47 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

48. Answering Paragraph 48 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

49. Answering Paragraph 49 of the Complaint, Defendants admit the allegations contained therein, in the form and manner alleged.

50. Answering Paragraph 50 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

51. Answering Paragraph 51 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

52. Answering Paragraph 52 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

53. Answering Paragraph 53 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

54. Answering Paragraph 54 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

55. Answering Paragraph 55 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

**ANSWER TO PLAINTIFF OLIVIA ROBERTSON**

56. Answering Paragraph 56 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue. More specifically Plaintiff Robertson was not legally parked.

57. Answering Paragraph 57 of the Complaint, Defendants admit the allegations contained therein, in the form and manner alleged.

58. In answer to paragraph 58 Defendants neither admit nor deny for lack of information upon which to form a belief and leave Plaintiffs to their proofs.

59. Answering Paragraph 59 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

60. Answering Paragraph 60 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.



61. Answering Paragraph 61 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

62. In answer to paragraph 62 Defendants neither admit nor deny for lack of information upon which to form a belief and leave Plaintiffs to their proofs.

63. Answering Paragraph 63 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

64. Answering Paragraph 64 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

65. Answering Paragraph 65 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

66. Answering Paragraph 66 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

67. In answer to paragraph 67 Defendants neither admit nor deny for lack of information upon which to form a belief and leave Plaintiffs to their proofs.

68. Answering Paragraph 68 of the Complaint, Defendants admit the allegations contained therein, in the form and manner alleged.

69. Answering Paragraph 69 of the Complaint, Defendants admit the allegations contained therein, in the form and manner alleged.

70. Answering Paragraph 70 of the Complaint, Defendants admit the allegations contained therein, in the form and manner alleged.

71. Answering Paragraph 71 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

72. In answer to paragraph 72 Defendants neither admit nor deny for lack of information upon which to form a belief and leave Plaintiffs to their proofs.

73. Answering Paragraph 73 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

74. Answering Paragraph 74 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue. Further, the office is located on one parcel of land and the storage facility is a short distance therefrom.

75. Answering Paragraph 75 of the Complaint, Defendants admit the allegations contained therein, in the form and manner alleged.

76. Answering Paragraph 76 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

77. Answering Paragraph 77 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

78. Answering Paragraph 78 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

79. Answering Paragraph 79 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

80. Answering Paragraph 80 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue. Further, Plaintiff's vehicle was illegally parked and legally towed, and she was required to pay a reasonable amount to retrieve her vehicle.

**PLAINTIFF LENG VANG**

81. Answering Paragraph 81 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue. Further, Plaintiff's vehicle was not legally parked.

82. Answering Paragraph 82 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

83. Answering Paragraph 83 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

84. Answering paragraph 84, Defendant herein is without knowledge about what statements were made by Midtown deli and liquor to Plaintiff.

Furthermore, Defendant was instructed to remove Plaintiff's vehicle.

85. Answering Paragraph 85 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

86. Answering Paragraph 86 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

87. In answer to paragraph 87, the Defendant is without knowledge of Plaintiffs statement of “much delay in locating his vehicle.” Defendant admits to contacting Plaintiff to advise on the reasonable amount necessary to retrieve his vehicle.

88. Answering Paragraph 88 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

89. Answering Paragraph 89 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

90. Answering Paragraph 90 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

91. Answering Paragraph 91 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

92. Answering Paragraph 92 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

93. Answering Paragraph 93 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

94. Answering Paragraph 94 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

95. In answer to paragraph 95, Defendants neither admit nor deny for lack of information upon which to form a belief and leave Plaintiffs to their proofs.

96. In answer to paragraph 96 Defendants neither admit nor deny for lack of information upon which to form a belief and leave Plaintiffs to their proofs.

Further, Defendants herein deny committing any damage to Plaintiff's vehicle.

97. Answering Paragraph 97 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

98. Answering Paragraph 98 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

99. Answering Paragraph 99 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue. Further, no damage to Plaintiffs vehicle was caused by Defendants and the cost and fees were reasonable.

**PLAINTIFF TIMOTHY BATES**

100. In answer to paragraph 100 Defendants neither admit nor deny for lack of information upon which to form a belief and leave Plaintiffs to their proofs.

101. In answer to paragraph 101 Defendants neither admit nor deny for lack of information upon which to form a belief and leave Plaintiffs to their proofs.

102. In answer to paragraph 102 Defendants neither admit nor deny for lack of information upon which to form a belief and leave Plaintiffs to their proofs.

103. Answering Paragraph 103 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

104. Answering Paragraph 104 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

105. Answering Paragraph 105 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue. On this date and time McDonalds did not offer Door Dash delivery.

106. Answering Paragraph 106 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

107. In answer to paragraph 107 Defendants neither admit nor deny for lack of information upon which to form a belief and leave Plaintiffs to their proofs.

108. In answer to paragraph 108 Defendant is without knowledge of Plaintiffs beliefs with McDonalds thereby leaving them to their proofs, however Defendant denies any wrongdoing with respect to the towing.

109. Answering Paragraph 109 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

110. Answering Paragraph 110 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue. Further, Plaintiff came to retrieve his vehicle days later and payed the reasonable fee of 420.00 dollars.

111. Answering Paragraph 111 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

112. Answering Paragraph 112 of the Complaint, Defendants admit the allegations contained therein, in the form and manner alleged.

113. Answering Paragraph 113 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

**PLAINTIFF ASHLEY COLLINS**

114. In answer to paragraph 114 Defendants neither admit nor deny for lack of information upon which to form a belief and leave Plaintiffs to their proofs.

115. Answering Paragraph 115 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

116. In answer to paragraph 116 Defendants neither admit nor deny for lack of information upon which to form a belief and leave Plaintiffs to their proofs.

117. In answer to paragraph 117 Defendants neither admit nor deny for lack of information upon which to form a belief and leave Plaintiffs to their proofs.

118. Answering Paragraph 118 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

119. Answering Paragraph 119 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue. Further, Defendant tows 24/7 but the office has limited hours.

120. Answering Paragraph 120 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

121. Answering Paragraph 121 of the Complaint, Defendants admit the allegations contained therein, in the form and manner alleged.

122. Answering Paragraph 122 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

123. Answering Paragraph 123 of the Complaint, Defendants admit the allegations contained therein, in the form and manner alleged.

124. Answering Paragraph 124 of the Complaint, Defendants admit the allegations contained therein, in the form and manner alleged.

125. Answering Paragraph 125 of the Complaint, Defendants admit the allegations contained therein, in the form and manner alleged.

126. Answering Paragraph 126 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

127. Answering Paragraph 127 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

128. Answering Paragraph 128 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

**PLAINTIFF JUSTIN KANDAH**

129. In answer to Paragraph 129, Defendants admit that Plaintiffs vehicle was towed on Saturday January 19, Defendant was sub-towing for Butler Towing and Plaintiff's vehicle was illegally parked when towed.



130. Answering Paragraph 130 of the Complaint, Defendants admit the allegations contained therein, in the form and manner alleged. However, Defendant had no knowledge of where Plaintiff had been.

131. Answering Paragraph 131 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

132. In answer to paragraph 132 Defendants neither admit nor deny for lack of information upon which to form a belief and leave Plaintiffs to their proofs.

133. Answering Paragraph 133 of the Complaint, Defendants admit the allegations contained therein, in the form and manner alleged.

134. Answering Paragraph 134 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

135. In answer to paragraph 135 Defendants neither admit nor deny for lack of information upon which to form a belief and leave Plaintiffs to their proofs.

136. Answering Paragraph 136 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

137. Answering Paragraph 137 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

138. Answering Paragraph 138 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

139. Answering Paragraph 139 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

140. In answer to paragraph 140 Defendants neither admit nor deny for lack of information upon which to form a belief and leave Plaintiffs to their proofs.

141. In answer to paragraph 141 Defendants neither admit nor deny for lack of information upon which to form a belief and leave Plaintiffs to their proofs.

142. Answering Paragraph 142 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

**MICHIGAN VEHICLE CODE AND TOWING LAW**

143. Answering Paragraph 143 of the Complaint, Defendants admit the allegations contained therein, in the form and manner alleged. However, at no time did Defendants violate any of the named statutes.

144. Answering Paragraph 144 of the Complaint, Defendants admit the allegations contained therein, in the form and manner alleged.

145. Answering Paragraph 145 of the Complaint, Defendants admit the allegations contained therein, in the form and manner alleged.

146. Answering Paragraph 146 of the Complaint, Defendants admit the allegations contained therein, in the form and manner alleged.

147. Answering Paragraph 147 of the Complaint, Defendants admit the allegations contained therein, in the form and manner alleged.

148. Answering Paragraph 148 of the Complaint, Defendants admit the allegations contained therein, in the form and manner alleged. However, at no time did Defendant violate any statutes mentioned.

**COUNT I – SECTION 1983 CLAIMS IN VIOLATION OF THE FIRST, EIGHT, AND FOURTEENTH AMENDMENTS AGAINST BREAKTHROUGH TOWING, LLC AND MICHAEL DICKERSON**

149. Defendants herein reincorporate and reallege paragraphs 1 through 148 of this answer with the same force and effect as if same were set forth in full hereunder, and further states:

150. Answering Paragraph 150 of the Complaint, Defendants admit the allegations contained therein, in the form and manner alleged. Further, in all instances, Plaintiffs had adequate notice prior to their vehicles being towed.

151. Answering Paragraph 151 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

152. Answering Paragraph 152 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

153. Answering Paragraph 153 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

154. Answering Paragraph 154 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

155. No answer is required by Defendant herein.

156. Answering Paragraph 156 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

157. No answer is required by Defendant herein.

158. Answering Paragraph 158 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

159. Answering Paragraph 159 a through c of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

160. Answering Paragraph 160 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

161. Answering Paragraph 161 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

162. Answering Paragraph 162 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

163. Answering Paragraph 163 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

164. Answering Paragraph 164 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

#### **VIOLATIONS UNDER THE 1<sup>ST</sup> AMENDMENT**

165. Answering Paragraph 165 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

166. Answering Paragraph 166 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

167. Answering Paragraph 167 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

168. Answering Paragraph 168 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

169. No answer required by Defendant herein.

170. No answer required by Defendant here. However, at no time was Defendants herein required to give notice of abandoned vehicles.

171. Answering Paragraph 171 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

172. Answering Paragraph 172 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

173. No answer required by Defendant herein.

174. Answering Paragraph 174 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

### **VIOLATIONS UNDER THE 8<sup>TH</sup> AMENDMENT**

175. Answering Paragraph 175 of the Complaint, Defendants admit the allegations contained therein, in the form and manner alleged.

176. Answering Paragraph 176 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

177. Answering Paragraph 177 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

178. Answering Paragraph 178 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

179. Answering Paragraph 179 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

180. Answering Paragraph 180 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

181. Answering Paragraph 181 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

182. Answering Paragraph 182 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

#### **VIOLATIONS UNDER THE 14<sup>TH</sup> AMENDMENT**

183. Answering Paragraph 183 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

184. Answering Paragraph 184 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

185. Answering Paragraph 185 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

186. Answering Paragraph 186 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

187. Answering Paragraph 187 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

188. Answering Paragraph 188 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

189. Answering Paragraph 189 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

190. Answering Paragraph 190 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

191. Answering Paragraph 191 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

192. Answering Paragraph 192 of the Complaint, Defendants admit the allegations contained therein, in the form and manner alleged.

193. Answering Paragraph 193 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

194. In answer to paragraph 194 Defendants neither admit nor deny for lack of information upon which to form a belief and leave Plaintiffs to their proofs.

195. Answering Paragraph 195 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

196. Answering Paragraph 196 of the Complaint, Defendants admit the allegations contained therein, in the form and manner alleged.

197. Answering Paragraph 197 of the Complaint, Defendants admit the allegations contained therein, in the form and manner alleged.

198. In answer to paragraph 198 Defendants neither admit nor deny for lack of information upon which to form a belief and leave Plaintiffs to their proofs.

199. Answering Paragraph 199 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

200. In answer to paragraph 200 Defendants neither admit nor deny for lack of information upon which to form a belief and leave Plaintiffs to their proofs.

201. In answer to paragraph 201 Defendants neither admit nor deny for lack of information upon which to form a belief and leave Plaintiffs to their proofs.

202. In answer to paragraph 202 Defendants neither admit nor deny for lack of information upon which to form a belief and leave Plaintiffs to their proofs.

203. Answering Paragraph 203 of the Complaint, Defendants admit the allegations contained therein, in the form and manner alleged.

204. Answering Paragraph 204 of the Complaint, Defendants admit the allegations contained therein, in the form and manner alleged.



205. Answering Paragraph 205 of the Complaint, Defendants admit the allegations contained therein, in the form and manner alleged.

206. Answering Paragraph 206 of the Complaint, Defendants admit the allegations contained therein, in the form and manner alleged.

207. Answering Paragraph 207 of the Complaint, Defendants admit the allegations contained therein, in the form and manner alleged.

208. Answering Paragraph 208 of the Complaint, Defendants admit the allegations contained therein, in the form and manner alleged.

209. Answering Paragraph 209 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

210. Answering Paragraph 210 a through g of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

211. Answering Paragraph 211 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

212. Answering Paragraph 212 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

WHEREFORE, Defendants herein pray for a judgment of no cause of action and be awarded costs and attorney fees.

**COUNT II – MONELL CLAIMS AGAINST DEFENDANTS THE CITY  
OF DETROIT AND THE CITY OF HAMTRAMCK**

213. Defendants herein reincorporate and reallege paragraphs 1 through 213 of this answer with the same force and effect as if same were set forth in full hereunder, and further states:

214. Answering Paragraph 214 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

215. Answering Paragraph 215 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

216. Answering Paragraph 216 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

217. Answering Paragraph 217 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

218. Answering Paragraph 218 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

219. Answering Paragraph 219 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

220. Answering Paragraph 220 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

221. Answering Paragraph 221 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

222. Answering Paragraph 222 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

223. Answering Paragraph 223 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

WHEREFORE, Defendants herein pray for a judgment of no cause of action and be awarded costs and attorney fees.

**COUNT III – DEFENDANTS BREAKTHROUGH TOWING, LLC, MCDONALDS CORPORATION, MCDONALDS #20757, CVS PHARMACY #8137, CVS CAREMARK CORPORATION, MIDTOWN LIQUOR & DELI, AND MICHAEL DICKERSON HAVE VIOLATED THE RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT (RICO) 18 U.S. CODE SECTION 1962(c)**

224. Defendants herein reincorporate and reallege paragraphs 1 through 223 of this answer with the same force and effect as if same were set forth in full hereunder, and further states:

225. Answering Paragraph 225 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

226. Answering Paragraph 226 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

227. Answering Paragraph 227 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

228. Answering Paragraph 228 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

229. Answering Paragraph 229 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

230. Answering Paragraph 230 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

231. Answering Paragraph 231 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

232. Answering Paragraph 232 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

233. Answering Paragraph 233 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

WHEREFORE, Defendants herein pray for a judgment of no cause of action and be awarded costs and attorney fees.

**COUNT IV – STATUTORY CONVERSION AGAINST DEFENDANTS  
BREAKTHROUGH TOWING, LLC AND MICHAEL DICKERSON**

234. Defendants herein reincorporate and reallege paragraphs 1 through 233 of this answer with the same force and effect as if same were set forth in full hereunder, and further states:

235. Answering Paragraph 235 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

236. Answering Paragraph 236 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

237. Answering Paragraph 237 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

238. Answering Paragraph 238 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

239. Answering Paragraph 239 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

240. Answering Paragraph 240 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

241. Answering Paragraph 241 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

242. Answering Paragraph 242 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

**COUNT V – COMMON LAW CONVERSION AGAINST DEFENDANTS  
BREAKTHROUGH TOWING, LLC, MICHAEL DICKERSON, CVS  
PHARMACY #8137, CVS CAREMARK CORPORATION, MCDONALDS  
#20757, MCDONALDS CORPORATION, and MIDTOWN LIQUOR &  
DELI**

243. Defendants herein reincorporate and reallege paragraphs 1 through 243 of this answer with the same force and effect as if same were set forth in full hereunder, and further states:

244. Answering Paragraph 244 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

245. Answering Paragraph 245 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

246. Answering Paragraph 246 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

247. Answering Paragraph 247 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

248. Answering Paragraph 248 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

WHEREFORE, Defendants herein pray for a judgment of no cause of action and be awarded costs and attorney fees.

**COUNT VI – FRAUD AND MISREPRESENTATION AGAINST  
DEFENDANTS BREAKTHROUGH TOWING, LLC, MICHAEL  
DICKERSON, CVS #8137, CVS CAREMARK CORPORATION  
MCDONALDS #20757, MCDONALDS CORPORATION and MIDTOWN  
LIQUOR & DELI**

249. Defendants herein reincorporate and reallege paragraphs 1 through 249 of this answer with the same force and effect as if same were set forth in full hereunder, and further states:

250. Answering Paragraph 250 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

251. Answering Paragraph 251 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

252. Answering Paragraph 252 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

253. Answering Paragraph 253 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

254. Answering Paragraph 254 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

255. Answering Paragraph 255 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

256. Answering Paragraph 256 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

257. Answering Paragraph 257 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

258. Answering Paragraph 258 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

259. Answering Paragraph 259 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

260. Answering Paragraph 260 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

261. Answering Paragraph 261 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

262. Answering Paragraph 262 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

WHEREFORE, Defendants herein pray for a judgment of no cause of action and be awarded costs and attorney fees.

**COUNT VII – TRESPASS TO CHATTELS AGAINST DEFENDANTS  
BREAKTHROUGH TOWING, LLC AND MICHAEL DICKERSON**

263. Defendants herein reincorporate and reallege paragraphs 1 through 262 of this answer with the same force and effect as if same were set forth in full hereunder, and further states:

264. Answering Paragraph 264 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

265. Answering Paragraph 265 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

266. Answering Paragraph 266 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

267. Answering Paragraph 267 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

**COUNT VII – UNJUST ENRICHMENT AGAINST DEFENDANTS  
BREAKTHROUGH TOWING, LLC AND MICHAEL DICKERSON**

268. Defendants herein reincorporate and reallege paragraphs 1 through 267 of this answer with the same force and effect as if same were set forth in full hereunder, and further states:

269. Answering Paragraph 269 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.



270. Answering Paragraph 270 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

271. Answering Paragraph 271 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

272. Answering Paragraph 272 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

273. Answering Paragraph 273 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

WHEREFORE, Defendants herein pray for a judgment of no cause of action and be awarded costs and attorney fees.

**COUNT IX – DEFENDANTS BREAKTHROUGH TOWING, LLC,  
MICHAEL DICKERSON, CVS #8137, CVS CAREMARK CORPORATION,  
MCDONALDS CORPORATION, MCDONALDS #20757, and MIDTOWN  
LIQUOR & DELI HAVE VIOLATED THE MICHIGAN CONSUMER  
PROTECTION ACT MCL SECTION**

274. Defendants herein reincorporate and reallege paragraphs 1 through 273 of this answer with the same force and effect as if same were set forth in full hereunder, and further states:

275. Answering Paragraph 275 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

276. Answering Paragraph 276 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

277. Answering Paragraph 277 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

278. Answering Paragraph 278 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

279. Answering Paragraph 279 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

280. Answering Paragraph 280 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

281. Answering Paragraph 281 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

282. Answering Paragraph 282 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

283. Answering Paragraph 283 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

WHEREFORE, Defendants herein pray for a judgment of no cause of action and be awarded costs and attorney fees.

**COUNT X – DEFENDANTS BREAKTHROUGH TOWING, LLC, MCDONALDS CORPORATION, MCDONALDS #20757, CVS PHARMACY #8137, CVS CAREMARK CORPORATION, MIDTOWN LIQUOR & DELI, AND MICHAEL DICKERSON AIDED AND ABETTED TORTIOUS CONDUCT INCLUDING COMMON LAW CONVERSION, STATUTORY CONVERSION, TRESPASS TO CHATTELS, AND FRAUD AND MISREPRESENTATION**

284. Defendants herein reincorporate and reallege paragraphs 1 through 283 of this answer with the same force and effect as if same were set forth in full hereunder, and further states:

285. Answering Paragraph 285 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

286. Answering Paragraph 286 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

287. Answering Paragraph 287 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

288. Answering Paragraph 288 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

289. Answering Paragraph 289 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

290. In answer to paragraph 290 Defendants neither admit nor deny for lack of information upon which to form a belief and leave Plaintiffs to their proofs.

291. Answering Paragraph 291 of the Complaint, Defendants deny the allegations contained therein, for the reason that the same is untrue.

WHEREFORE, Defendants herein pray for a judgment of no cause of action and be awarded costs and attorney fees.

Respectfully submitted,

/s/Cyril C. Hall  
Cyril. C. Hall (P29121)  
Hall Makled, PC.,  
Attorney for Defendant  
23756 Michigan Avenue, Suite 300  
Dearborn, MI 48124  
Phone: (313) 788-8888  
Fax: (313) 582-7962  
CyrilHallLaw@sbcglobal.net

Date: June 28, 2019

**AFFIRMATIVE DEFENSES**

Now comes Defendants **BREAKTHROUGH TOWING, LLC, MAGICTOWING, LLC, And MICHAEL DICKERSON**, Defendants herein, by and through their attorney **Cyril C. Hall** of **HALL MAKLED, PC** and sets forth the following Affirmative Defenses:

1. That Plaintiffs have failed to state a claim upon which relief can be granted;
2. That Defendants herein have not committed any act to support liability.
3. That Defendants towed all vehicles in accordance with applicable governing authority;
4. Defendants acted in good faith;
5. That Defendants are not acting under color of state-level or local law;
6. No duty is owed to the Plaintiffs by the Defendants;
7. Plaintiffs have unclean hands;
8. No criminal activity directed the alleged activities;
9. No pattern of predicate offenses existed;
10. The alleged enterprise/corrupt organization is not an organization or organized collection of individuals;
11. That Defendant reserves the right to assert further Affirmative Defenses as may surface and develop during discovery.

Respectfully submitted,

/s/Cyril C. Hall  
Cyril. C. Hall (P29121)  
Hall Makled, PC.,  
Attorney for Defendant  
23756 Michigan Avenue, Suite 300  
Dearborn, MI 48124  
Phone: (313) 788-8888  
Fax: (313) 582-7962  
CyrilHallLaw@sbcglobal.net

Date: June 28, 2019

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses as directed on the pleadings on 6/28, 2019 by:

☐ US MAIL    ☐ FAX    ☐ HAND DELIVERY    ☐ E-MAIL    ☐ CERTIFIED MAIL    ☒ E-FILE

\_\_\_\_\_  
/s/ Hussein Bazzi  
Hussein Bazzi